

A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD MAY 20, 1997 AT 1:00 P.M. IN WARRENTON, VIRGINIA

P R E S E N T Mr. David C. Mangum, Chairman; Mr. James G. Brumfield, Vice Chairman; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks; Mr. G. Robert Lee, County Administrator; Mr. Paul S. McCulla, County Attorney

SPECIAL EXCEPTION APPLICATION - WAL-MART

A work session was held to review and discuss the special exception application for Wal-Mart.

PROPOSED ALTERNATIVES FOR THE OPAL INTERCHANGE

A work session was held to review and discuss the proposed alternatives for the Opal interchange.

VACo FY 1998 LEGISLATIVE AGENDA

A work session was held to review and discuss the VACo FY 1998 Legislative Agenda.

DISCUSSION OF THE SCHOOL FUNDING FORMULA

A work session was held to review and discuss the School Funding Formula.

EXECUTIVE SESSION

Mr. Brumfield moved to go into executive session pursuant to Virginia Code Section 2.1-344(A)(3) for discussion or consideration of the purchase of real property for public purposes and Section 2.1-344(A)(7) for consultation with legal counsel pertaining to probable litigation. Mr. Burton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

Upon reconvening from executive session, Mr. Brumfield moved to adopt the following certification. Mr. Burton seconded.

CERTIFICATION OF EXECUTIVE MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by this Board of Supervisors that such executive meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 20th day of May 1997, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

VOTE:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Absent During Meeting: None

The meeting was reconvened in Regular Session at 6:30 p.m. in the Warren Green Meeting Room.

ADOPTION OF THE AGENDA

Mr. Brumfield moved to suspend Sections 5-1 and 5-2 of the By-Laws to include on the Regular Agenda A Resolution to Donate Funds to Fauquier Clothing and Furniture to Assist with the Construction of Their New Building Located at Corral Farm. Mr. Burton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

CITIZENS TIME

Mary Morran and Mary Curtis spoke in opposition to the Comprehensive Plan Amendment to the Warrenton Service District Map for George C. and Helen F. Elmore and Marjorie Huffman.

CONSENT AGENDA

Mr. Green moved to adopt the following Consent Agenda items. Mr.

Brumfield seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr.
Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry
L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

Approval of the Minutes of the May 6, 1997 Regular Meeting and the May 7,
1997 Adjourned Meeting

Acceptance of Deed of Lease for Land for a Ballfield in Remington, Virginia

RESOLUTION

A RESOLUTION OF ACCEPTANCE AND EXECUTION OF A
DEED OF LEASE FOR A BALLFIELD IN REMINGTON, VIRGINIA

WHEREAS, Section 15.1-262 of the Code of Virginia authorizes the Board
of Supervisors to accept land for any public purposes; and

WHEREAS, a shortage of athletic ballfields continues for the youth of
Fauquier County; and

WHEREAS, the Fauquier County Parks and Recreation Department has
pursued a variety of alternative methods for alleviating this shortage; and

WHEREAS, Raymond S. and Alice W. Heflin own a tract of land near
Remington which has been leased to the County as a ballfield for the last eight
years; and

WHEREAS, the Parks and Recreation Department and the Heflins find
this agreement to be mutually beneficial and of benefit to the County; now,
therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of
May 1997, That David Mangum, Chairman of the Board of Supervisors, be, and
is hereby, authorized to execute a deed of lease agreement with Raymond S.
and Alice W. Heflin.

A Resolution Authorizing Issuance of a Letter of Commendation to the
Commanding Officer of Vint Hill Farms Station Upon its Closure

RESOLUTION

Be It Resolved by the Fauquier County Board of Supervisors this 20th day
of May 1997, That the Chairman be, and is hereby, directed to sign and transmit
to the Commanding Officer of Vint Hill Farms Station a letter of commendation
and appreciation.

PROPOSED REFERENDUM ON ISSUANCE OF \$12,000,000 IN SCHOOL
BONDS FOR RENOVATIONS AND EXPANSION TO CENTRAL
ELEMENTARY SCHOOL AND MIDDLE SCHOOLS

Mr. Brumfield moved to table, until June 17, 1997, the decision regarding a proposed referendum on issuance of \$12,000,000 in school bonds for renovations and expansion to Central Elementary School and middle schools in order to obtain a detailed analysis from the Joint Facilities Committee. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr.
Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry
L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

COMPREHENSIVE PLAN AMENDMENT TO THE OPAL SERVICE DISTRICT
MAP - LLOYD A FORBUSH, BARBARA P. MCLEOD, AND C.A. PAYNE
PROPERTY

A public hearing was held April 15, 1997 to consider a request from Lloyd A. Forbush, Barbara P. McLeod and C.A. Payne to change the comprehensive plan designation of 7.18 acres (four parcels) from low density residential and agricultural to commercial highway. The properties are located on the east and west sides of Clarkes Road (Route 608) just north of the intersection with Marsh Road (Route 17), Lee District. Mr. Mangum moved to adopt a resolution denying the request. Mr. Weeks seconded, and the vote for the motion was 2 to 3 as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks
Nays: Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr.
James R. Green, Jr.;
Absent During Vote: None
Abstention: None

Mr. Burton then moved to adopt the following resolution. Mr. Green seconded, and the vote for the motion was 3 to 2 as follows:

Ayes: Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr.
James R. Green, Jr.
Nays: Mr. David C. Mangum; Mr. Larry L. Weeks
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE COMPREHENSIVE PLAN AMENDMENT TO
THE OPAL SERVICE DISTRICT MAP, #CPA 97-L-04, (LLOYD FORBUSH, C.A.
PAYNE, AND BARBARA MCLEOD PROPERTIES)

WHEREAS, Lloyd Forbush, Charles Payne, and Barbara McLeod have filed an application to amend the Comprehensive Plan map for the Opal Service District by changing the designation of 4 acres (two parcels) from low density residential to commercial highway and 3.5 acres (two parcels) from agricultural to commercial highway; and

WHEREAS, this application has been filed in accordance with the provisions of Article 13-202 of the Fauquier County Zoning Ordinance; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on February 27, 1997 regarding this comprehensive plan amendment and voted on March 27, 1997 to unanimously recommended denial of this request; and

WHEREAS, the Board of Supervisors on April 15, 1997, held a public hearing on this Comprehensive Plan Amendment; and

WHEREAS, the Board of Supervisors has determined that the public necessity, convenience, general welfare, or good planning practice would be satisfied by this amendment to the Fauquier County Comprehensive Plan; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of May, 1997, That Comprehensive Plan Amendment #97-L-04 to change the land use designation for 7.5 acres on Clarkes Road (Route 608) and further identified as parcel identification numbers 6981-30-7376-000, 6981-30-5147-000, 6981-30-8016-000, and 6981-40-1027-000, from low density residential and agricultural to commercial highway be, and is hereby, approved.

COMPREHENSIVE PLAN AMENDMENT TO THE WARRENTON SERVICE
DISTRICT MAP - GEORGE C. AND HELEN F. ELMORE AND MARJORIE
HUFFMAN, OWNERS

A public hearing was held on April 15, 1997 to consider a request from George C. and Helen F. Elmore and Marjorie Huffman to change the comprehensive plan designation on 17.5 acres (two parcels) from high density residential to commercial shopping center. The property is located on the west side of Lee Highway (Routes 15/29) between the Virginia Department of Transportation Commuter Parking Lot and Airline Road (Route 605), Center District. Mr. Brumfield moved that the request be sent back to the Planning Commission asking that the Planning Commission look at the Route 605 interchange, the nonconforming uses already in the area, and if the property should remain high density residential. Mr. Burton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr.
Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry
L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

APPOINTMENTS

Mr. Mangum moved to appoint himself to the Water and Sanitation Authority to fill an unexpired term to April 9, 1998. Mr. Green seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr.
Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry
L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

Mr. Green moved to make the following appointments to the Architectural Review Board: Mr. Brumfield seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr.
Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry
L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

Barry W. Starke - term expires March 1, 2001
John Lamonica - term expires March 1, 2001

A RESOLUTION TO AUTHORIZE EXECUTION OF A CONTRACT FOR
PROFESSIONAL ENGINEERING SERVICES FOR DESIGN OF A DRIP
WASTEWATER DISPOSAL SYSTEM FOR SOUTHEASTERN SCHOOL

Mr. Burton moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was 4 to 1 as follows:

Ayes: Mr. David C. Mangum; Mr. Wilbur W. Burton; Mr.
James R. Green, Jr.; Mr. Larry L. Weeks
Nays: Mr. James G. Brumfield
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO AUTHORIZE EXECUTION OF A
CONTRACT FOR PROFESSIONAL ENGINEERING
SERVICES FOR DESIGN OF A DRIP WASTEWATER DISPOSAL SYSTEM
FOR SOUTHEASTERN SCHOOL

WHEREAS, the Fauquier County School Board has been limited in its use of Southeastern School due to the inability of the soils to treat and dispose of large amounts of wastewater; and

WHEREAS, the Fauquier County Board of Supervisors, recognizes the health problems and the need to provide adequate wastewater disposal service for Southeastern School so that this County facility can be better utilized; and

WHEREAS, the Fauquier County Board of Supervisors, after meeting with a group of public officials, concerned citizens, and professionals to discuss alternative systems in April 1995, directed the County Soil Scientist to work with representatives from the Fauquier County Health Department to determine if a drip disposal system would be feasible; and

WHEREAS, after a soil evaluation and consultation it was determined that the construction of a drip disposal system was feasible; and

WHEREAS, the County issued a request for proposal (RFP) for the required professional services to design the drip disposal system in December of 1996; and

WHEREAS, a County selection committee has determined that Environmental Services and Technology Corporation (ENSAT) of Culpeper, Virginia, is the most qualified consultant to provide the professional services requested in the RFP; and

WHEREAS, following negotiations with ENSAT, a proposed contract for professional services has been prepared for consideration by the Board of Supervisors; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of May 1997, That the Supervisor of Procurement be, and is hereby, directed to execute a contract for professional consulting services between the County of Fauquier and ENSAT; and, be it

RESOLVED FURTHER, That the Board of Supervisors hereby authorizes the use of funds currently appropriated for Route 28 water and sewer development for this purpose.

A RESOLUTION TO DONATE FUNDS TO FAUQUIER CLOTHING AND FURNITURE TO ASSIST WITH THE CONSTRUCTION OF THEIR NEW BUILDING LOCATED AT CORRAL FARM

Mr. Weeks moved to adopt the following resolution. Mr. Burton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION TO DONATE FUNDS TO FAUQUIER CLOTHING AND FURNITURE TO ASSIST WITH THE CONSTRUCTION OF THEIR NEW BUILDING LOCATED AT CORRAL FARM

WHEREAS, Fauquier Clothing and Furniture has requested that the Board of Supervisors consider the reappropriation of the unspent funds previously appropriated to Fauquier Clothing and Furniture in the FY 1994 Budget; and

WHEREAS, a review of the County's financial statements for FY 1994 has confirmed that the Board of Supervisors allocated \$6,000 to assist Fauquier Clothing and Furniture with moving and construction expenses and that these funds were not requested by Fauquier Clothing and Furniture during FY 1994 due to unanticipated delays in securing an acceptable site for the construction of a permanent facility; and

WHEREAS, the Board of Supervisors has previously discussed this matter during Supervisors Time and directed staff to prepare a resolution for the donation of \$6,000; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of May 1997, That the Board of Supervisors does hereby approve the donation of \$6,000 to Fauquier Clothing and Furniture; and, be it

RESOLVED FURTHER, That the source of the donation shall be the General Fund Balance.

MARSHALL/WARRENTON AGRICULTURAL AND FORESTAL DISTRICT -
8TH ADDITION

A public hearing was held to consider the 8th addition to the Marshall/Warrenton Agricultural and Forestal District. No one spoke. The public hearing was closed. Mr. Green moved to adopt the following ordinance. Mr. Brumfield seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr.
Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry
L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

ORDINANCE

AN ORDINANCE TO APPROVE THE EIGHTH ADDITION TO THE MARSHALL-
WARRENTON AGRICULTURAL AND FORESTAL DISTRICT WITHIN
FAUQUIER COUNTY

WHEREAS, Section 15.1-1511, Code of Virginia (1950) as amended, allows additional parcels of land to be added to an existing district following the process described for the creation of a new district; and

WHEREAS, all requirements of Section 15.1-1511, Code of Virginia (1950) as amended have been met; now, therefore, be it

ORDAINED, by the Fauquier County Board of Supervisors this 20th day of May 1997, That the Eighth Addition to the Marshall-Warrenton Agricultural and Forestal District Ordinance be, and is hereby, adopted as follows:

(1) That this addition is land which requires conservation and protection for the production of food and other agricultural and forestal products and as such is a valuable natural and ecological resource providing open space and clean air and adequate safe water supplies and other aesthetic purposes and is therefore valuable to public interest.

(2) That this Addition to the Marshall-Warrenton Agricultural and Forestal District is hereby established this 20th day of May 1997, in accordance with the provisions of Title 15.1, Chapter 36, Sections 15.1-1513, Code of Virginia (1950), as amended.

(3) That the Addition shall consist of the following parcel(s):

NAME
PIN #
ACREAGE

John Drake
6976-51-4400-000

20

Total Acreage

20

And be it, FURTHER ORDAINED, That the same conditions and restrictions shall apply, to wit:

(4) That pursuant to Title 15.1, Chapter 36, Section 15.1-1512, (b) of the Code of Virginia (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. The modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.

(a) All uses allowed by right in the applicable zoning district(s) for each parcel shall require a special use permit except that farming and single family dwellings on a legally recorded parcel of record shall be permitted by right.

(b) Subdivisions of land as defined in Article 2.39 of the Fauquier County Subdivision Ordinance are not permitted.

(c) No special use permit shall be in conflict with the purposes for which the District was created.

(5) That these parcels qualify for land use value assessment provided that the parcels meet the criteria of Section 58-769.5 and 58-769.7 of the Code.

(6) That the owners of land within the District shall not terminate the District except in accordance with Section 15.1-1511E of the Code.

(7) That lawful termination of any owner's association in the District shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.1-1511E of the Code.

(8) That parcels under twenty-five (25) acres shall be excluded except where exempted by the Board.

THE PLAINS AGRICULTURAL AND FORESTAL DISTRICT - 7TH ADDITION

A public hearing was held to consider the 7th addition to The Plains Agricultural and Forestal District. No one spoke. The public hearing was closed. Mr. Weeks moved to adopt the following ordinance. Mr. Brumfield seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

ORDINANCE

AN ORDINANCE TO APPROVE THE SEVENTH ADDITION TO THE PLAINS AGRICULTURAL AND FORESTAL DISTRICT WITHIN FAUQUIER COUNTY

WHEREAS, Section 15.1-1511, Code of Virginia (1950) as amended, allows additional parcels of land to be added to an existing district following the process described for the creation of a new district, and

WHEREAS, all requirements of Section 15.1-1511, Code of Virginia (1950) as amended have been met; now, therefore, be it

ORDAINED, by the Fauquier County Board of Supervisors this 20th day of May 1997, That the Seventh Addition to The Plains Agricultural and Forestal District Ordinance be, and is hereby, adopted as follows:

(1) That this addition is land which requires conservation and protection for the production of food and other agricultural and forestal products and as such is a valuable natural and ecological resource providing open space and clean air and adequate safe water supplies and other aesthetic purposes and is therefore valuable to public interest.

(2) That this Addition to The Plains Agricultural and Forestal District is hereby established this 20th day of May 1997, in accordance with the provisions of Title 15.1, Chapter 36, Sections 15.1-1513, Code of Virginia (1950), as amended.

(3) That the Addition shall consist of the following parcel(s):

NAME
PIN #
ACREAGE

Matheson/Backer/Ohrstrom
6988-49-0381-000
70.75

Helen Bowman
6080-07-4780-000
83.47

Total Acreage

154.22

And be it, FURTHER ORDAINED, That the same conditions and restrictions shall apply, to wit:

(4) That pursuant to Title 15.1, Chapter 36, Section 15.1-1512, (b) of the Code of Virginia (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. The modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.

(a) All uses allowed by right in the applicable zoning district(s) for each parcel shall require a special use permit except that farming and single family dwellings on a legally recorded parcel of record shall be permitted by right.

(b) Subdivisions of land as defined in Article 2.39 of the Fauquier County Subdivision Ordinance are not permitted.

(c) No special use permit shall be in conflict with the purposes for which the District was created.

(5) That these parcels qualify for land use value assessment provided that the parcels meet the criteria of Section 58-769.5 and 58-769.7 of the Code.

(6) That the owners of land within the District shall not terminate the District except in accordance with Section 15.1-1511E of the Code.

(7) That lawful termination of any owner's association in the District shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.1-1511E of the Code.

(8) That parcels under twenty-five (25) acres shall be excluded except where exempted by the Board.

MIDDLEBURG/MARSHALL AGRICULTURAL AND FORESTAL DISTRICT -
13TH ADDITION

A public hearing was held to consider the 13th addition to the Middleburg/Marshall Agricultural and Forestal District. No one spoke. The public hearing was closed. Mr. Weeks moved to adopt the following ordinance. Mr. Brumfield seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr.
Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry
L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

ORDINANCE

AN ORDINANCE TO APPROVE THE THIRTEENTH ADDITION
TO THE MIDDLEBURG MARSHALL AGRICULTURAL AND
FORESTAL DISTRICT WITHIN FAUQUIER COUNTY

WHEREAS, Section 15.1-1511, Code of Virginia (1950) as amended, allows additional parcels of land to be added to an existing district following the process described for the creation of a new district, and

WHEREAS, all requirements of Section 15.1-1511, Code of Virginia (1950) as amended have been met; now, therefore, be it

ORDAINED, by the Fauquier County Board of Supervisors this 20th day of May 1997, That the Thirteenth Addition to the Middleburg Marshall Agricultural and Forestal District Ordinance be, and is hereby, adopted as follows:

(1) That this addition is land which requires conservation and protection for the production of food and other agricultural and forestal products and as such is a valuable natural and ecological resource providing open space and clean air and adequate safe water supplies and other aesthetic purposes and is therefore valuable to public interest.

(2) That this Addition to the Middleburg - Marshall Agricultural and Forestal District is hereby established this 20th day of May 1997, in accordance with the provisions of Title 15.1, Chapter 36, Sections 15.1-1513, Code of Virginia (1950), as amended.

(3) That the Addition shall consist of the following parcel(s):

NAME
PIN #
ACREAGE

Hebe Waters
6061-92-3322
30.7

Total Acreage

30.7

And be it, FURTHER ORDAINED, That the same conditions and restrictions shall apply, to wit:

(4) That pursuant to Title 15.1, Chapter 36, Section 15.1-1512, (b) of the Code of Virginia (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. The modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.

(a) All uses allowed by right in the applicable zoning district(s) for each parcel shall require a special use permit except that farming and single family dwellings on a legally recorded parcel of record shall be permitted by right.

(b) Subdivisions of land as defined in Article 2.39 of the Fauquier County Subdivision Ordinance are not permitted.

(c) No special use permit shall be in conflict with the purposes for which the District was created.

(5) That these parcels qualify for land use value assessment provided that the parcels meet the criteria of Section 58-769.5 and 58-769.7 of the Code.

(6) That the owners of land within the District shall not terminate the District except in accordance with Section 15.1-1511E of the Code.

(7) That lawful termination of any owner's association in the District shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.1-1511E of the Code.

(8) That parcels under twenty-five (25) acres shall be excluded except where exempted by the Board.

THUMB RUN AGRICULTURAL AND FORESTAL DISTRICT - 3RD ADDITION

A public hearing was held to consider the 3rd addition to the Thumb Run Agricultural and Forestal District. No one spoke. The public hearing was closed. Mr. Green moved to adopt the following ordinance. Mr. Brumfield seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry

L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

ORDINANCE

AN ORDINANCE TO APPROVE THE THIRD ADDITION TO THE THUMB RUN AGRICULTURAL AND FORESTAL DISTRICT WITHIN FAUQUIER COUNTY

WHEREAS, Section 15.1-1511, Code of Virginia (1950) as amended, allows additional parcels of land to be added to an existing district following the process described for the creation of a new district; and

WHEREAS, all requirements of Section 15.1-1511, Code of Virginia (1950) as amended have been met; now, therefore, be it

ORDAINED, by the Fauquier County Board of Supervisors this 20th day of May 1997, That the Third Addition to the Thumb Run Agricultural and Forestal District Ordinance be, and is hereby, adopted as follows:

(1) That this addition is land which requires conservation and protection for the production of food and other agricultural and forestal products and as such is a valuable natural and ecological resource providing open space and clean air and adequate safe water supplies and other aesthetic purposes and is therefore valuable to public interest.

(2) That this Addition to the Thumb Run Agricultural and Forestal District is hereby established this twentieth day of May 1997, in accordance with the provisions of Title 15.1, Chapter 36, Sections 15.1-1513, Code of Virginia (1950), as amended.

(3) That the Addition shall consist of the following parcel(s):

NAME

PIN #

ACREAGE

Lorraine Lordi
6929-22-6622-000
25.64

Lorraine Lordi
6929-32-4667-000
25.50

Richard and Diana Granger
6929-24-2370-000
50.00

Total Acreage

101.14

And be it, FURTHER ORDAINED, That the same conditions and restrictions shall apply, to wit:

(4) That pursuant to Title 15.1, Chapter 36, Section 15.1-1512, (b) of the

Code of Virginia (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. The modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.

(a) All uses allowed by right in the applicable zoning district(s) for each parcel shall require a special use permit except that farming and single family dwellings on a legally recorded parcel of record shall be permitted by right.

(b) Subdivisions of land as defined in Article 2.39 of the Fauquier County Subdivision Ordinance are not permitted.

(c) No special use permit shall be in conflict with the purposes for which the District was created.

(5) That these parcels qualify for land use value assessment provided that the parcels meet the criteria of Section 58-769.5 and 58-769.7 of the Code.

(6) That the owners of land within the District shall not terminate the District except in accordance with Section 15.1-1511E of the Code.

(7) That lawful termination of any owner's association in the District shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.1-1511E of the Code.

(8) That parcels under twenty-five (25) acres shall be excluded except where exempted by the Board.

FIERY RUN AGRICULTURAL AND FORESTAL DISTRICT - 4TH ADDITION

A public hearing was held to consider the 4th addition to the Fiery Run Agricultural and Forestal District. No one spoke. The public hearing was closed. Mr. Green moved to adopt the following ordinance. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

ORDINANCE

AN ORDINANCE TO APPROVE THE FOURTH ADDITION TO THE FIERY RUN AGRICULTURAL AND FORESTAL DISTRICT WITHIN FAUQUIER COUNTY

WHEREAS, Section 15.1-1511, Code of Virginia (1950) as amended, allows additional parcels of land to be added to an existing district following the process described for the creation of a new district; and

WHEREAS, all requirements of Section 15.1-1511, Code of Virginia (1950) as amended have been met; now, therefore, be it

ORDAINED, by the Fauquier County Board of Supervisors this 20th day of May 1997, That the Fourth Addition to the Fiery Run Agricultural and Forestal District Ordinance be, and is hereby, adopted as follows:

(1) That this addition is land which requires conservation and protection for the production of food and other agricultural and forestal products and as such is a valuable natural and ecological resource providing open space and clean air and adequate safe water supplies and other aesthetic purposes and is therefore valuable to public interest.

(2) That this Addition to the Fiery Run Agricultural and Forestal District is hereby established this twentieth day of May 1997, in accordance with the provisions of Title 15.1, Chapter 36, Sections 15.1-1513, Code of Virginia (1950), as amended.

(3) That the Addition shall consist of the following parcel(s):

NAME

PIN #

ACREAGE

Mark and June Smith

6000-56-3196-000

157

Mark and June Smith

6000-52-9882-000

51.9

Total Acreage

208.9

And be it, FURTHER ORDAINED, That the same conditions and restrictions shall apply, to wit:

(4) That pursuant to Title 15.1, Chapter 36, Section 15.1-1512, (b) of the Code of Virginia (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. The modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.

(a) All uses allowed by right in the applicable zoning district(s) for each parcel shall require a special use permit except that farming and single family dwellings on a legally recorded parcel of record shall be permitted by right.

(b) Subdivisions of land as defined in Article 2.39 of the Fauquier County Subdivision Ordinance are not permitted.

(c) No special use permit shall be in conflict with the purposes for which the District was created.

(5) That these parcels qualify for land use value assessment provided that the parcels meet the criteria of Section 58-769.5 and 58-769.7 of the Code.

(6) That the owners of land within the District shall not terminate the District except in accordance with Section 15.1-1511E of the Code.

(7) That lawful termination of any owner's association in the District shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.1-1511E of the Code.

(8) That parcels under twenty-five (25) acres shall be excluded except where exempted by the Board.

SOUTHERN FAUQUIER AGRICULTURAL AND FORESTAL DISTRICT - 13TH
ADDITION

A public hearing was held to consider the 13th addition to the Southern Fauquier Agricultural and Forestal District. No one spoke. The public hearing was closed. Mr. Burton moved to adopt the following ordinance. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr.
Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry
L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

ORDINANCE

AN ORDINANCE TO APPROVE THE THIRTEENTH ADDITION
TO THE SOUTHERN FAUQUIER AGRICULTURAL AND
FORESTAL DISTRICT WITHIN FAUQUIER COUNTY

WHEREAS, Section 15.1-1511, Code of Virginia (1950) as amended, allows additional parcels of land to be added to an existing district following the process described for the creation of a new district; and

WHEREAS, all requirements of Section 15.1-1511, Code of Virginia (1950) as amended have been met; now, therefore, be it

ORDAINED, by the Fauquier County Board of Supervisors this 20th day of May 1997, That the Thirteenth Addition to the Southern Fauquier Agricultural and Forestal District Ordinance be, and is hereby, adopted as follows:

(1) That this addition is land which requires conservation and protection for the production of food and other agricultural and forestal products and as such is a valuable natural and ecological resource providing open space and clean air and adequate safe water supplies and other aesthetic purposes and is therefore valuable to public interest.

(2) That this Addition to the Southern Fauquier Agricultural and Forestal District is hereby established this twentieth day of May 1997, in accordance with the provisions of Title 15.1, Chapter 36, Sections 15.1-1513, Code of Virginia (1950), as amended.

(3) That the Addition shall consist of the following parcel(s):

NAME
PIN #
ACREAGE

Robert and Patti Blakely
7826-55-8290-000
62

Thomas and Elizabeth Thorpe
Portion 7839-44-7577-000
(only area zoned RA)

@243 (refer to Zoning Maps)

Thomas and Elizabeth Thorpe
7837-48-9742-000
10

Thomas and Elizabeth Thorpe
7837-59-6459-000
55.02

Thomas and Elizabeth Thorpe
7837-68-7815-000
10

Eudore Thorpe
7837-58-9815-000
10

Sheryl White
7837-68-2167-000
10

Total Acreage

400.02

And be it, FURTHER ORDAINED, That the same conditions and restrictions shall apply, to wit:

(4) That pursuant to Title 15.1, Chapter 36, Section 15.1-1512, (b) of the Code of Virginia (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. The modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.

(a) All uses allowed by right in the applicable zoning district(s) for each parcel shall require a special use permit except that farming and single family dwellings on a legally recorded parcel of record shall be permitted by right.

(b) Subdivisions of land as defined in Article 2.39 of the Fauquier County Subdivision Ordinance are not permitted.

(c) No special use permit shall be in conflict with the purposes for which the District was created.

(5) That these parcels qualify for land use value assessment provided that the parcels meet the criteria of Section 58-769.5 and 58-769.7 of the Code.

(6) That the owners of land within the District shall not terminate the

District except in accordance with Section 15.1-1511E of the Code.

(7) That lawful termination of any owner's association in the District shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.1-1511E of the Code.

(8) That parcels under twenty-five (25) acres shall be excluded except where exempted by the Board.

SPECIAL EXCEPTION - LAKE WHIPPOORWILL GENERAL PARTNERSHIP -
MAJOR RESIDENTIAL DEVELOPMENT

A public hearing was held to consider a request for special exception approval from Lake Whippoorwill General Partnership on 117 acres for an additional 71 lots of approximately one acre each. The property is located on Dumfries Road (Route 605) at its intersection with Lee Highway (Route 29), PIN #6995-43-2506-000, Scott District. John Foote of Hazel & Thomas, representing Lake Whippoorwill General Partnership, and Kitty Smith spoke in favor of the request. Mary Morran, representing the Addition to Warrenton Lakes Homeowners Association, spoke in favor of the request but had concerns regarding the widening of Route 605 and the water tower. Barbara Severin, Rod Barren, Denise Cox, Bob House, and Ken Farar spoke in opposition to the proposed improvements to Route 605. The public hearing was closed. Mr. Weeks moved to table the decision until the June 3, 1997 meeting in order to work with County staff and Lake Whippoorwill General Partnership to propose other alternatives to Route 605 improvements. Mr. Burton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr.
Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry
L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

SPECIAL EXCEPTION - MAURICE AND JOY YACoub - REDUCTION IN
OPEN SPACE

A public hearing was held to consider a request for special exception approval for Maurice and Joy Yacoub for a reduction in the 85% open space requirement in order to subdivide the property into two parcels. The property is located on the west side of Atoka Road (Route 713) near Five Points, PIN #6072-13-8943-000, Scott District. Ben Jones, representing Mr. and Mrs. Yacoub, spoke in favor of the request. No one else spoke. The public hearing was closed. Mr. Weeks moved to adopt the following resolution. Mr. Brumfield seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr.
Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry
L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION
REQUEST #SE97-S-07
YACOUB PROPERTY

WHEREAS, the applicants, Maurice and Joy Yacoub, are requesting a special exception for an open space reduction, from 85% to 57.6%, in order to subdivide the property into two lots; and

WHEREAS, the Special Exception Application of Maurice and Joy Yacoub has been properly filed and all required notices of the public hearing have been properly made, and the applicant has presented evidence both oral and documentary, and the staff has a filed staff report, all indicating compliance with the general standards for special exception as set forth in Article 5 of the Zoning Ordinance and the Board further finds that the more restrictive standards of Article 5-2600 of said Zoning Ordinance are met in this application; and

WHEREAS, the Fauquier County Planning Commission held a public hearing April 24, 1997 on this special exception request and recommended approval; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 20th day of May 1997, THAT Special Exception #SE97-S-07, Yacoub Property (PIN 6072-13-8943-000), be and is hereby, approved subject to the following condition:

Tract 1 (35.242) and Tract 2 (47.992), as shown on the submitted plat, shall be deed restricted from any further subdivision.

COMPREHENSIVE PLAN AMENDMENTS - D.C. DIAMOND CORPORATION

A public hearing was held to consider two Comprehensive Plan amendment requests from D.C. Diamond Corporation to (1) add 65 acres to the Bealeton Service District with a low density residential designation, and (2) add 20 acres to the Bealeton Service District with a low density residential category. The 65 acre parcel is located on the northwest side of Catlett Road (Route 28) just northeast of the intersection with and also having frontage on James Madison Highway (Routes 15/29), PIN #6889-31-7311-000, Lee District. The 20 acre parcel is located on the northwest side of Catlett Road (Route 28) just northeast of the intersection with and also having frontage on James Madison Highway (Routes 15/29), PIN #6888-39-2530-000, Lee District. Mark Moorstein, representing D.C. Diamond Corporation, requested that the public hearing be continued until a later date. Kitty Smith and Barbara Severin, representing Citizens for Fauquier County, spoke in opposition to the request. The public hearing was closed. Mr. Mangum moved to table the request until the June 17, 1997 meeting. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr.
Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry
L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

With no further business, the meeting was adjourned.